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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,507	09/16/2003	Ken Motush	5009.076	4645

7590 05/10/2004

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EXAMINER

ZEC, FILIP

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

5

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,507	<b>Applicant(s)</b> MOTUSH ET AL.	
	<b>Examiner</b> Filip Zec	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. New corrected drawings are required in this application because they are not in abeyance of the USPTO standards: they are unprofessional and unclear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-13 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,609,385 to Ferris et al., in view of U.S. Patent 4,338,793 to O'Hern. Ferris discloses applicant's basic inventive concept, a refrigerant charging/pressure testing hose assembly (FIG. 1), comprising a pressurized refrigerant container (14) having a shutoff valve (24), said valve being controlled via a removable (38) actuator (34) and containing a flow controlling stem (36a); a hose (20), having a tee fitting and a check valve (28) disposed in said hose, said fitting being connected to a pressure gauge (26), said hose being connected on the other end to a service port (22) of an air conditioner, wherein the user could measure the pressure

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in the A/C and then recharge the system without having to disconnect the hose from the port thanks to the check valve being biased to keep the hose clear of the pressurized refrigerant (col 1, lines 60-67; col 2, lines 1-26), substantially as claimed with the exception of stating the specific use of a tee fitting and the permanent nature of the connection between the container, the hose and the actuator. O'Hern shows these features to be old in the vehicle A/C recharging art (FIG. 2, abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of O'Hern to modify the system of Ferris, by having a tee fitting and a permanent connection between the container, the hose and the actuator in order to have the recharging system permanently installed in a refrigeration apparatus, so that it will be available to service personnel when there is a necessity to service the particular refrigerating system without the service personnel having to attach a service manifold or other rather sophisticated structure which must be carried to the site of the refrigeration system each time service operations are to be performed (col 2, lines 1-10). It also improves the safety of the operation since there will be very little, if any, escape of refrigerant since the orientation of the abutment is such that connection of the adapter to the access valve fitting will be at least partially complete before the access valve is opened (col 2, lines 11-18).

4. Claims 9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,609,385 to Ferris et al., in view of U.S. Patent 4,338,793 to O'Hern as applied to claim 1 above, and further in view of U.S. Patent 6,089,032 to Trachtenberg. Ferris in view of O'Hern discloses applicant's basic inventive concept, a refrigerant charging/pressure testing hose assembly, comprising a pressurized refrigerant container having a shutoff valve, said valve being controlled via a removable/permanent actuator and containing a flow controlling stem; a hose

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permanently/removably attached to the actuator, having a tee fitting and a check valve disposed in said hose, said fitting being connected to a pressure gauge, said hose being connected on the other end to a service port of an air conditioner, wherein the user could measure the pressure in the A/C and then recharge the system without having to disconnect the hose from the port thanks to the check valve being biased to keep the hose clear of the pressurized refrigerant, substantially as claimed with the exception of stating the specific use of an aerosol container. Trachtenberg shows this feature to be old in the vehicle A/C recharging art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Trachtenberg to modify the system of Ferris in view of O'Hern, by having an aerosol in the pressurized container in order to retrofit an R-12 system into an R-134a system more easily than by using a mechanical oil injector and to add some refrigerant to the air conditioner while the air conditioner is being retrofitted to use R-134, thereby saving time and refrigerant (col 2, lines 9-23).

5. Claims 10, 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,609,385 to Ferris et al., in view of U.S. Patents 4,338,793 and 6,089,032 to O'Hern and Trachtenberg, respectively, as applied to claims 1, 13 and 24 above, and further in view of U.S. Patent 6,260,739 to Hsiao. Ferris in view of O'Hern and Trachtenberg discloses applicant's basic inventive concept, a refrigerant charging/pressure testing hose assembly, comprising a pressurized refrigerant/aerosol container having a shutoff valve, said valve being controlled via a removable/permanent actuator and containing a flow controlling stem; a hose permanently/removably attached to the actuator, having a tee fitting and a check valve disposed in said hose, said fitting being connected to a pressure gauge, said hose being connected on the

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other end to a service port of an air conditioner, wherein the user could measure the pressure in the A/C and then recharge the system without having to disconnect the hose from the port thanks to the check valve being biased to keep the hose clear of the pressurized refrigerant, substantially as claimed with the exception of stating the specific use of a press-fittable housing for the actuator and the use of a thread nozzle. Hsiao shows this feature to be old in the vehicle A/C recharging art (FIG's. 5 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Hsiao to modify the system of Ferris in view of O'Hern and Trachtenberg, by having a press-fittable housing for the actuator and a thread nozzle in order to secure the connection and prevent any leaks.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,557,940 to Hendricks, Roger G.

U.S. Patent 5,336,065 to Tieken, James B.

U.S. Patent 4,856,288 to Weber, Robert C.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (703) 306-3446. The examiner can normally be reached on Monday through Friday, with the exception of every other Friday.

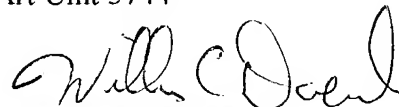
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FZ

Filip Zec  
Examiner  
Art Unit 3744



**WILLIAM DOERRLER**  
**PATENT EXAMINER**  
**GROUP 3400**